

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 563 of 2022

Fairlinda Paslein Chakma

---Petitioner(s)

Versus

The State of Tripura and 7 Ors.

---Respondent(s)

For Petitioner(s)	: Mr. Somik Deb, Sr. Advocate. Mr. Abir Baran, Advocate.
For Respondent(s)	: Mr. D. Bhattacharjee, Sr. Advocate. Mr. D. Sharma, Addl.GA. Mr. T. Debbarma, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

23.11.2023

This is a petition under Article 226 of the Constitution of India seeking the following reliefs:

- (i) *Issue Rule calling upon the respondents and each one of them to show cause as to why a Writ of Certiorari and/or in the nature thereof, for directing the respondents to transmit the records appertaining to this writ petition lying with them for rendering substantive and conscionable justice to the petitioner;*
- (ii) *Issue rule calling upon the respondents and each one of them to show cause as to why a Writ of Mandamus and/or in the nature thereof, for mandating/directing the respondents to forthwith release the original documents of the petitioner which find mention in the representation dated 28.06.2022;*
- (iii) *Issue Rule calling upon the respondents and each one of them to show cause as to why a Writ of Prohibition and/or in the nature thereof for restraining/prohibiting the respondents from acting in any manner, in furtherance of the bond;*
- (iv) *Call for the records appertaining to this petition;*
- (v) *In the Ad-interim and thereafter on hearing the parties in the Interim an Order in terms of relief (iii) supra;*
- (vi) *After hearing the parties be pleased to make the Rule Absolute in terms of above.*

[2] The case of the petitioner is that he is urging return of all the original documents of the petitioner, lying in the custody of the respondent No.7 the father of the petitioner submitted a representation

to the Principal, TMC, Hapania, Agartala dated 28.06.2022 to which the respondent No.7 did not pay any heed thereto.

[3] It is further represented by the petitioner that of late, out of her own interest and volition, the petitioner has decided to leave the MBBS course, and pursue a course in Pharmacy & Agriculture. Accordingly, she has applied and appeared in the LPUNEST-2022 Examination, conducted by the Lovely Professional University and has also qualified in the same. Thus for admission in the said course, she is in dire need of her original documents presently lying in the custody of the TMC. Hence this writ petition.

[4] It appears to this court that the original certificates of the petitioner were withheld by the respondents No. 7 & 8. The petitioner has represented the matter by a representation dated 28.06.2022 and the same is still pending before them for consideration. Aggrieved by the same, the petitioner has approached this court.

[5] Mr. Mr. D. Bhattacharjee, learned senior counsel appearing for the respondents No. 7 & 8 submitted that the action of the respondent's institution in not releasing the documents of the petitioner is in terms of the agreement/bond that has been executed by the petitioner in favour of the respondent's institution. The petitioner in the middle of the agreement without pursuing the education cannot wriggle out of the contract and prayed to dismiss the petition. However, he further submitted that the representation of the petitioner which is pending before the respondents would be considered in accordance with law.

[6] Heard learned counsel for the parties.

[7] Without expressing any opinion on the merits of this case, this writ petition is disposed of directing the respondents no. 7 & 8 to consider the representation dated 28.06.2022 made by the petitioner in accordance with law and communicate the same within a period of one month from the date of receipt of the copy of this order.

[8] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE



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